

**TOWN OF EAST WINDSOR
INLAND WETLANDS WATERCOURSE AGENCY**

Regular Meeting – January 2, 2013

MEETING MINUTES

*******Draft Document Subject to Commission Review/Approval*******

CALL TO ORDER: Vice Chairman Osborn called the Meeting to order at 7:03 p.m. in the Town Hall Meeting Room, 11 Rye Street, Broad Brook, CT.

ESTABLISHMENT OF QUORUM:

Present: Regular Members Michael Koczera, Richard Osborn (Vice Chairman), Robert Slate, and Alternate Member Kathryn Roloff.

Unable to Attend: Regular Members Ron Savaria and John Malin, and Alternate Member Sawka.

Guests: Selectman Richard Pippin (Inland/Wetlands Liaison); Kathy Pippin, Board of Finance.

Vice Chairman Osborn noted the establishment of a quorum with three Regular and one Alternate Member as noted above. All Regular members and Alternate Roloff will sit in on votes this evening.

Also in attendance was Wetlands Agent/Zoning Enforcement Officer Robin Newton.

AGENDA ADDITIONS:

Wetlands Agent Newton requested addition of **Review of Bylaws** under **MISCELLANEOUS** Items.

No motion made.

APPROVAL OF MINUTES – December 5, 2012

MOTION: To **APPROVE** the Minutes of Regular Meeting dated December 5, 2012 as written.

Koczera moved/Slate seconded/VOTE: In Favor: Unanimous

CONTINUED PUBLIC HEARINGS: None

NEW APPLICATIONS TO BE RECEIVED: None

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NEW BUSINESS: #15-2012 Gerry Wilcox: 50 Newberry Road – Request for Permit to fill 3,125 square feet of wetlands for additional storage space. Assessor's Map 92, Block 19, Lot 004. (65 day application period ends February 8, 2013 – **REQUEST FOR WITHDRAWAL:**

Description of Item read by Vice Chairman Osborn.

No action taken, request for withdrawal acknowledged.

NEW BUSINESS: 08-2011 Gerry Wilcox: 50 Newberry Road – Request for extension of Regulated Activity to include construction of a concrete block wall and the construction of a detention basin for the expansion of equipment storage and trailer parking by filling of approximately 2,150 square feet of wetlands and creating 2,150 square feet of wetlands:

Description of Item ready by Vice Chairman Osborn.

Wetlands Agent Newton reported that Mr. Wilcox has requested a one (1) year extension to complete activities initiated under this Permit. The work is about 90% completed. The one year timeframe for completion of work begun would expire in April; Mr. Wilcox is requesting an extension of that timeframe.

Appearing to discuss this request was Gerald Wilcox, the holder of Permit #08-2011. Mr. Wilcox reported he has requested an extension until December 6, 2013. He indicated he has begun the work, the pond is in, the slopes are 3:1 (see additional comment below regarding degree of slope), the swale is vegetated but he did not have fill available to complete the project. Mr. Wilcox anticipates that fill will be available in the Spring; he anticipates he will add the fill in August and seed the area in September, 2013. Mr. Wilcox reported he expects to have the work completed by December, 2013.

Vice Chairman Osborn questioned if the block wall had been installed? Mr. Wilcox replied negatively, noting the block wall was changed to a 2:1 slope with the approval of Town Staff. Mr. Wilcox indicated he wasn't getting a "return" on the additional land; the Army Corp of Engineers (ACOE) signed off on it as they felt it was his issue.

Mr. Wilcox concurred with Wetlands Agent Newton's assessment that the work has been 85% to 90% completed. Wetlands Agent Newton agreed.

Vice Chairman Osborn called for a vote.

MOTION: To GRANT REQUEST FOR EXTENSION of one year timeframe for completion of work initiated under Permit #08-2011 until December 6, 2013 for Application of Gerry Wilcox for 50 Newberry Road – Request for extension of Regulated Activity to include construction of a

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concrete block wall and the construction of a detention basin for the expansion of equipment storage and trailer parking by filling of approximately 2,150 square feet of wetlands and creating 2,150 square feet of wetlands.

Koczera moved/Slate seconded/VOTE: In Favor: Unanimous

OLD BUSINESS/1) East Windsor Cemetery Association – Springdale Cemetery, Warehouse Point – Cease and Desist Order for Conducting a Regulated Activity without a Permit:

Vice Chairman Osborn read the description of this Item of continuing Business.

Wetlands Agent Newton reported that Mr. Ussery had indicated he had been having difficulty communicating with his contact at DOT and has been unable to receive permission to work on an area which is owned by the State adjacent to I-91. Wetlands Agent Newton has offered assistance. She advised the Commission she does not believe the slope has moved any more since the original incident. Vice Chairman Osborn agreed.

MISCELLANEOUS/1) Review of Bylaws:

Wetlands Agent Newton reviewed various bylaw revisions with the Commission, noting highlighted language is being removed/deleted, while comments referenced in red are additional language intended to clarify ordinances, Connecticut General Statutes, and Commissioner activity. Revisions include:

- **Section 1.1 – Purpose and Authorization:** clarification of Ordinance empowering action/duties of Agency
- **Section 4.1 – Membership:** revision of membership number and level
- **Section 4.5 – Membership:** clarification of Ordinance allowing removal of a Commissioner from service.
- **Section 5 – Officers and Their Duties:** removal of language of allowing Chairman to authorize expenditures and appoint committees independent of Commission approval.
- **Section 6 – Staff and Their Duties:** clarification of Connecticut General Statute allowing Commission to approve specified duties to the Wetlands Agent.
- **Section 8.6 – Meetings:** clarification of service of an Alternate.
- **Section 9 – Order of Business:** clarification of timeframe for receipt of applications prior to pending/posted Commission Meeting.

Wetlands Agent Newton noted that three Commissioners are absent this evening; she queried if the Commission felt they should delay approval of the revisions until a future meeting? The Commission was comfortable with the revisions proposed, and with taking action this evening.

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MOTION: To ADOPT the Bylaws of the East Windsor Inland Wetlands Watercourse Agency as amended 1/2/2013.

Koczera moved/Slate seconded/VOTE: In Favor: Unanimous

AGENT DECISIONS: None

STATUS REPORTS: None

CONFERENCES/SEMINARS/TRAINING:

Wetlands Agent Newton advised the Commission the annual DEEP training sessions begin in February. Session I is available online.

CORRESPONDENCE: None.

GENERAL BOARD DISCUSSION:

Commissioner Slate questioned if Mr. Wilcox received a refund of his fee for the Application which was withdrawn. Wetlands Agent Newton explained that the current Application Fee Schedule notes the Commission's ability to deny a refund, however all but the State Fee was refunded in error in Mr. Wilcox's case. The Fee Schedule is being revised to require a signature indicating the Applicant is aware of the significance of withdrawal.

Commissioner Koczera noted the progress being made at the Walmart development site; he questioned if: 1) Wetlands Agent Newton checks the site, and 2) what are the pits near Newberry Road? Wetlands Agent Newton reported she inspects the site regularly; the pits near Newberry Road are detention ponds.

Commissioner Roloff noted someone – whom she believes may be the Connecticut Water Company – is cutting down trees, filling, and using a bulldozer to access the site around the water tower near the Broad Brook Pond. Wetlands Agent Newton noted the Connecticut Water Company isn't required to come to this Commission for permits, they work with the State. She will investigate the activity. It was noted the Commission previously reviewed an application for work at property owned by the Connecticut Water Company off of Mahoney Road. Wetlands Agent Newton clarified that work was timber harvesting via a contractor hired by the Connecticut Water Company; that work required approval of this Commission.

PUBLIC PARTICIPATION (Discussion on non-Agenda items only):

No one requested to speak.

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ADJOURNMENT:

MOTION: To ADJOURN this Meeting at 7:27 p.m.

Slate moved/Koczera seconded/VOTE: In Favor: Unanimous

Respectfully submitted:

Peg Hoffman, Recording Secretary, Inland Wetlands and Watercourse Commission
(1237)